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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1901. 1902.

No. 121. 171.

KAORU YAMATAYA, APPELLANT,

vs.

THOMAS M. FISHER, IMMIGRANT AND CHINESE INSPECTOR.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF WASHINGTON.

FILED OCTOBER 2, 1901.

(18,274.)

(18,274.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1901.

No. 421.

KAORU YAMATAYA, APPELLANT,

vs.

THOMAS M. FISHER, IMMIGRANT AND CHINESE INSPECTOR.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF WASHINGTON.

INDEX.

	Original.	Print.
Caption	a	1
Petition for writ of *habeas corpus*	1	1
Writ of *habeas corpus* and marshal's return	3½	2
Return to writ of *habeas corpus*	4	3
Traverse to return	8	6
Motion to quash return	12	8
Order denying motion to quash	13	9
Demurrer to traverse to return	14	9
Order dismissing petition and remanding petitioner	15	10
Petition for appeal	16	10
Order allowing appeal	17	11
Assignment of errors	18	11
Order allowing appeal and granting supersedeas	20	12
Bond on appeal	22	13
Citation and service (copy)	25	14
Clerk's certificate	26	15
Citation (original)	27	15
Service of citation	28	16

JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C., OCTOBER 5, 1901.

a In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus*. No. 2086.

Record on Appeal.

Appeal from the district court of the United States for the district of Washington, northern division, to the Supreme Court of the United States.

1 *Petition.*

In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus*. No. 2086.

To the Honorable C. H. Hanford, judge of the above-entitled court:

Comes now Masataro Yamataya, your petitioner, and respectfully shows and alleges:

That Kaoru Yamataya, who is a minor of the age of about sixteen years, is imprisoned, detained, confined and restrained of her liberty by Thomas M. Fisher, immigration inspector stationed at Seattle in said district, in the House of Good Shepherd in said city of Seattle.

That the alleged cause of the imprisonment and detention of the said Kaoru Yamataya is, as your petitioner verily believes, and therefore alleges the fact to be, as follows: The said Kaoru Yamataya is an alien, being a subject of the Empire of Japan; the said Fisher, as immigration inspector as aforesaid, claims that the said Kaoru Yamataya is not entitled to remain in the United States of America, and intends to and will, unless the writ hereby prayed for is granted, deport the said Kaoru Yamataya and send her back to the Empire of Japan on a vessel scheduled to leave this port at three o'clock a. m. on tomorrow, the 6th day of August, 1901.

Your petitioner further alleges that the said imprisonment of the said Kaoru Yamataya by the said Fisher is unlawful; that the said Kaoru Yamataya is not an idiot or an insane person; that she is not a pauper, and is not likely to become a public charge; that she is not suffering from any loathsome disease or any disease,
2 or any dangerous or contageous disease; that she has not been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude; that she did not come to the United States in violation of the contract labor laws passed by Congress, or in violation of any law of the United States relative to the exclusion of aliens, and that the said Kaoru Yamataya is lawfully within the United States and is entitled to remain therein.

Your petitioner further alleges that he is the uncle of the said

Kaoru Yamataya, and the only relative which she has in the United States, and that he is entitled to her care and custody; that he makes this petition for and on behalf of the said Kaoru Yamataya, for the reason that she is, by the said Fisher, detained and imprisoned, and not permitted by him, the said Fisher, to see your petitioner, or her attorneys, and therefore access to her cannot be obtained for the purpose of having her verify a petition in her own behalf.

Wherefore your petitioner prays that a writ of *habeas corpus* be granted, directed to the said Thomas M. Fisher, U. S. immigrant inspector as aforesaid, commanding him to have the body of the said Kaoru Yamataya before your honor at a time and place therein to be specified, to do and receive what shall then and there be considered by your honor concerning said Kaoru Yamataya, together with the time and cause of her detention, and said writ; and that the said Kaoru Yamataya may be restored to her liberty.

M. YAMATAYA, *Petitioner.*

W. A. KEENE,
Attorney for Petitioner.

Let a writ of *habeas corpus* issue.

C. H. HANFORD, *Judge.*

3 UNITED STATES OF AMERICA, } ss:
District of Washington, }

Masataro Yamataya being duly sworn, deposes and says that he is petitioner in the foregoing petition; that he has read the same, knows the contents thereof and that the same is true to his own knowledge.

M. YAMATAYA.

Subscribed and sworn to before me this 5th day of August, 1901.

W. A. KEENE,
[NOTARIAL SEAL.] *Notary Public in and for the State of Washington, Residing at Seattle.*

Indorsed: Petition. Filed in the U. S. district court dist. of Washington Aug. 5 1901 . R. M. Hopkins, clerk, H. M. Walthew, deputy.

3½ United States District Court, District of Washington.

Habeas Corpus.

The President of the United States of America to Thomas M. Fisher, U. S. immigration inspector, Greeting:

We command you that you have the body of Kaoru Yamataya by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name said Kaoru Yamataya shall be called or charged, before the Hon. C. H. Hanford, United States district judge for the district of

Washington, at the court-room of said court in the city of Seattle in the northern division of said district of Washington, on the 8th day of August A. D. 1901, at 10 o'clock in the forenoon, to do and receive what shall then and there be considered concerning her the said Kaoru Yamataya. And have you then and there this writ.

Witness the Hon. C. H. Hanford, judge of the United States district court for the district of Washington, this 5th day of August in the year of our Lord one thousand nine hundred and one.

R. M. HOPKINS, *Clerk*,
By H. M. WALTHEW,
Deputy Clerk.

PRESTON, CARR & GILMAN,
Attorney- for Petitioner.

[Seal U. S. District Court.]

DIST. OF WASHINGTON, } ss:
Office of U. S. Marshal, }

I hereby certify that I received the within writ on the 5th day of August 1901, and that on said 5th day of Aug. 1901, I personally served the same on Thos. M. Fisher, by delivering to & leaving with him personally a true & correct copy thereof.

Dated at Seattle W'n, this 8th day of Aug. 1901.

C. W. IDE,
U. S. Marshal,
By H. W. TYLER, *Dep.*

Returned and filed this 8 day of Aug. A. D. 1901.

R. M. HOPKINS, *Clerk*,
By A. N. MOORE,
Deputy Clerk.

4 In the United States District Court for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus.* No. 2086.

Return of Thomas M. Fisher, Immigration and Chinese Inspector, to Writ.

To the honorable judge of the above-entitled court:

Thomas M. Fisher, immigration and Chinese inspector, and respondent herein, for return to the writ of *habeas corpus* in the above-entitled cause upon him served, says:

I.

That I am, and at all the times hereinafter mentioned was, a duly appointed, qualified and acting immigrant and Chinese inspector under the laws of the United States, charged with the execution of the laws of Congress approved February 26th, 1885, February 23rd, 1887, October 19th, 1888, and March 3rd, 1891.

II.

That in pursuance of the duties in said acts prescribed, and under the rules and regulations of the honorable Secretary of the Treasury of the United States, that I did heretofore, to wit, on or about the 15th day of July, 1901, make investigation and inquiries and collect evidence respecting one Kaoru Yamataya, petitioner herein, and from said inquiries so made and evidence so gathered, and the admissions of her, the said Kaoru Yamataya, did find that she, the said Kaoru Yamataya, had on or about the 11th day of July, 1901, surreptitiously, clandestinely, unlawfully and without any authority come into the United States of America, and that she, the said Kaoru Yamataya, was a pauper and a person likely to become a public charge, and that one year since the landing of her, the said Kaoru Yamataya, petitioner herein, had and has not elapsed.

III.

That in pursuance of said testimony, admissions of the petitioner, Kaoru Yamataya, evidence, facts and circumstances, I did as such immigrant and Chinese inspector, decide that she, the said Kaoru Yamataya, had no right to be within the territory of the United States and was a proper person for deportation, and thereafter made report of the same to the proper immigration officers of the United States of America, and pending final decision therein did take her, the said Kaoru Yamataya, into custody.

IV.

That upon said report and evidence and after due and regular investigation in the manner prescribed by law, that the proper officers charged with the execution of the various acts of Congress heretofore mentioned, also did decide that she, the said Kaoru Yamataya, petitioner herein, was within the United States contrary to the provisions of said acts of Congress, and that she should be deported. Whereupon, the honorable Secretary of the Treasury did issue his certain warrant of deportation, which said warrant was in words and figures as follows, to wit:

UNITED STATES OF AMERICA,
TREASURY DEPARTMENT,
WASHINGTON, D. C., *July 23rd*, 1901.

To Thomas M. Fisher, United States immigrant inspector, Seattle, Wash.:

Whereas, from proofs submitted to me, I have become satisfied that Kaoru Yamataya an alien immigrant who landed in the United States at the port of Seattle, Wash., on the 11 day of July, 1901, came into this country from Japan, contrary to the prohibition of the act of Congress approved March 3, 1891, and whereas, the period of one year after landing has not elapsed;

I, M. E. Ailes, Assistant Secretary of the Treasury of the United States, by virtue of the power and authority vested in me by the above-cited act of Congress, do hereby command you to take into

custody the said Kaoru Yamataya alien immigrant and return her to the country whence she came at the expense of the vessel importing her.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 23rd day of July, 1901.

M. E. AILES, [SEAL.]
Assistant Secretary of the Treasury.

[SEAL.]

And that I, Thomas M. Fisher, immigrant and Chinese inspector and relator herein, as aforesaid, am holding said petitioner, Kaoru Yamataya, for deportation in accordance with the laws hereinbefore mentioned and under the facts and circumstances hereinbefore mentioned, and in pursuance of the said warrant hereinbefore set forth, and expect to deport her, the said Kaoru Yamataya.

V.

For further answer, I, Thomas M. Fisher, immigrant and Chinese inspector and relator herein, as aforesaid, do say that the said Kaoru Yamataya, petitioner herein, has in no way, manner or form prosecuted any appeal from my decision as immigrant and Chinese inspector, from the decision of the board of special inquiry, or in any other manner whatsoever.

7 Wherefore, having fully made answer to said writ, I, the said Thomas M. Fisher, immigrant and Chinese inspector aforesaid, do ask to be discharged, and that the writ of *habeas corpus* be quashed.

THOMAS M. FISHER,
Immigrant and Chinese Inspector.

WILSON R. GAY,
United States Attorney.
E. E. CUSHMAN,
Assistant U. S. Attorney.

UNITED STATES OF AMERICA, }
District of Washington, County of King, } *ss:*

Thomas M. Fisher being first duly sworn, upon oath says: That I have read the foregoing answer to the writ of *habeas corpus* in the above cause, know the whole facts and circumstances, and that the statements therein contained are true.

THOMAS M. FISHER,
Immigrant and Chinese Inspector.

Subscribed and sworn to before me this 6th day of August, 1901.

W. R. GAY,
Notary Public in and for the State of Washington,
Residing at Seattle.

[NOTARIAL SEAL.]

Due and full service of within answer acknowledged this 6 day of Aug. 1901.

W. A. KEENE,
Attorney for Petitioner.

Indorsed: Answer of Thos. M. Fisher to writ. Filed in the U. S. district court dist. of Washington Aug. 8 1901 R. M. Hopkins clerk, H. M. Walthew, deputy.

8 *Traverse of Return.*

In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus*. No. 2086.

Comes now your petitioner, M. Yamataya, and traversing the return of Thomas M. Fisher, immigrant and Chinese inspector, to the writ of *habeas corpus* heretofore issued herein, says:

I.

Referring to paragraph two of said return, he admits that one year has not elapsed since the landing of said Kaoru Yamataya in the United States of America; admits that respondent, as immigrant and Chinese inspector as aforesaid, made a pretended investigation and pretended to collect evidence respecting said Kaoru Yamataya, and that he, the said respondent, made the finding in said paragraph two set forth; but your petitioner alleges that the said Kaoru Yamataya does not understand the English language; that she was at the times referred to and at all times ignorant of the fact that an investigation for the purposes of deportation was being made; that she was not, at said alleged investigation, represented by counsel, or represented at all, and did not have the assistance of any person speaking her own language, or the assistance of any person whomsoever, and did not have any opportunity to present evidence establishing her right to remain in the United States of America, or to explain the evidence which respondent claims to have collected, and did not have opportunity to present any evidence at all in her own behalf; that the evidence upon which respondent made his said finding and decision was and is garbled, incomplete, and in many respects misleading and untrue in this, to wit: that some questions which were put to said Kaoru Yamataya and to your petitioner during
9 said alleged investigation, were not understood by them, and in consequence thereof wrong answers and answers not intended to be given were given by them thereto, and said Kaoru Yamataya and your petitioner were by said respondent made to answer "Yes" and "No" to questions which they did not understand; that some of the facts stated to said respondent by your petitioner were not considered or recorded by him, he recording only such facts as when unexplained and standing alone could be construed as sustaining the alleged finding of respondent. Petitioner denies each and every allegation in said paragraph two contained, excepting only such thereof as he has hereinbefore expressly admitted; denies that said Kaoru Yamataya is a pauper, and denies that she is likely to become a public charge, but alleges the fact to be that said Kaoru

Yamataya came to this country for the purpose of being educated; that the parents and relatives of said Kaoru Yamataya are able, ready and willing to provide for the necessary expense of her maintenance and education while she may remain in the United States; that ample arrangements for the support and education of the said Kaoru Yamataya were made prior to the time when she left Japan; that the necessary funds for the support and maintenance of the said Kaoru Yamataya will be supplied pursuant to such arrangements, and she, the said Kaoru Yamataya, will not become a pauper or a public charge.

II.

Referring to paragraph four of said return petitioner admits that certain officers, who are unknown to him, charged with the execution of the acts of Congress therein referred to, did decide that the said Kaoru Yamataya was within the United States contrary to the provisions of said acts of Congress, and that she should be deported, but denies that said decision was made after due and regular investigation, or after any investigation, in the manner prescribed by law, or at all. Admits that the Secretary of the Treasury issued his certain warrant of deportation as set forth in said paragraph, but denies that the said warrant was issued upon the investigation contemplated by the acts of Congress, or upon any investigation.

Further answering your petitioner denies that said Fisher is holding said Kaoru Yamataya for deportation in accordance with the laws, facts and circumstances in said return mentioned, and in pursuance of the said warrant of deportation in said return set forth, but alleges the facts to be, that your petitioner M. Yamataya, has been bound over by United States Commissioner James Kiefer to await the action of the grand jury on a criminal charge; that the name of said Kaoru Yamataya is endorsed upon the complaint made against your petitioner, as a witness for the United States; that at the preliminary hearing of your petitioner before the said United States commissioner, respondent stated that he intended to hold said Kaoru Yamataya as a witness, and thereupon said Commissioner Kiefer, upon application made to him, fixed the amount of the recognizance of the said Kaoru Yamataya as such witness in the sum of $250.00; that your petitioner and said Kaoru Yamataya relied upon the statement of respondent that he intended to hold her, said Kaoru Yamataya, as a witness in said criminal matter, and did not know that any investigation for the purposes of deportation had been made or would be made, or that any decision regarding the deportation of said Kaoru Yamataya had been made, and had no notice whatever of any such proceedings or decision until a few hours before the sailing of the vessel upon which respondent intended to deport said Kaoru Yamataya, and upon which he would have deported her had the writ of *habeas corpus* not issued herein, and for the reasons herein stated no appeal was taken or could have been taken from the decision of respondent set forth in his return. And petitioner alleges that said Kaoru Yamataya is being held by

United States Commissioner James Kiefer as a witness in a criminal charge brought for violation of the laws of the United States, and not otherwise, and that she, the said Kaoru Yamataya, is a
11 material witness in behalf of your petitioner should he be placed upon trial, and that he cannot safely go to trial without her testimany.

Wherefore, petitioner prays that said return be quashed, and that said Kaoru Yamataya may be restored to her liberty.

M. YAMATAYA, *Petitioner.*

W. A. KEENE,
Attorney for Petitioner.

UNITED STATES OF AMERICA, } ss:
District of Washington, }

M. Yamataya being duly sworn, deposes and says that he is petitioner in the foregoing traverse; that he has read the same and knows the contents thereof, and that the same is true to his own knowledge.

M. YAMATAYA.

Subscribed and sworn to before me this 8th day of August, 1901.

W. A. KEENE,
[NOTARIAL SEAL.] *Notary Public in and for the State of Washington, Residing at Seattle.*

Received copy of the within traverse and service of the same admitted this 8th day of August 1901.

WILSON R. GAY,
U. S. Att'y, for Respondent.

Indorsed: Traverse of return. Filed in the U. S. district court dist. of Washington Aug. 9 1901 R. M. Hopkins, clerk, A. N. Moore, deputy.

12 In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus.* No. 2086.

Motion to Quash Return.

Comes now Kaoru Yamataya and hereby moves the court for an order quashing the return of Thomas M. Fisher, immigrant and Chinese inspector, to the writ of *habeas corpus* heretofore issued herein

Upon the ground and for the reason that the same does not state facts sufficient to constitute a return to said writ, or to enable him, the said Fisher, to retain the custody of the said Yamataya.

W. A. KEENE,
Attorney for Kaoru Yamataya.

Received copy of the within motion and service of the same admitted this 8th day of August, 1901.

WILSON R. GAY,
U. S. Att'y, for Respondent.

Indorsed: Motion to quash return. Filed in the U. S. district court dist. of Washington Aug. 9 1901 R. M. Hopkins, clerk, H. M. Walthew, deputy.

13 In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus*. No. 2086.

Order.

This matter coming on for hearing upon the petitioner's motion to quash the return of Thomas M. Fisher to the writ of *habeas corpus* herein, and E. E. Cushman, assistant United States attorney, appearing for Thomas M. Fisher, imigrant and Chinese inspector, and W. A. Keene appearing for the petitioner, and the court being fully advised, and having listened to counsel, said motion to quash is hereby denied; to which petitioner, through his counsel, excepts, and said exception is allowed.

Done in open court this 9th day of August, 1901.

C. H. HANFORD, *Judge.*

Indorsed: Order. Filed in the U. S. district court dist. of Washington Aug. 9 1901 R. M. Hopkins, clerk, A. N. Moore, deputy.

14 *Demurrer.*

In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus*. No. 2086.

Comes now Thomas M. Fisher, by his counsel E. E. Cushman, assistant United States attorney, and demurs to the traverse of the petitioner in this proceeding for and upon the following grounds:

That the facts and statements set forth in said traverse do not constitute and are insufficient as an answer and traverse to the return of the said Thomas M. Fisher to the writ of *habeas corpus* heretofore made by him.

EDWARD E. CUSHMAN,
Assistant U. S. Attorney.

Indorsed: Demurrer. Filed in the U. S. district court dist. of Washington Aug. 9 1901 R. M. Hopkins, clerk, A. N. Moore, deputy.

15 *Order.*

In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus*. No. 2086.

This matter coming on regularly for hearing upon the demurrer of Thomas M. Fisher, immigrant and Chinese inspector, to petitioner's traverse on return heretofore made and filed herein, and E. E. Cushman, assistant United States attorney appearing for said Thomas M. Fisher, immigrant and Chinese inspector, and W. A. Keene appearing as attorney for petitioner, the court having listened to counsel and being fully advised, said demurrer is sustained; and petitioner electing to stand upon her petition and traverse, said application is dismissed and petitioner remanded to the custody of Thomas M. Fisher, immigrant and Chinese inspector; to which petitioner through her counsel excepted and her exceptions were allowed.

Done in open court this 9th day of August, 1901.

C. H. HANFORD, *Judge.*

Indorsed: Order. Filed in the U. S. district court dist. of Washington Aug. 9 1901 R. M. Hopkins, clerk, A. N. Moore, deputy.

16 In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus*. No. 2086.

Petition for Order Allowing Appeal.

To the Honorable C. H. Hanford, judge of the above-entitled court:

Kaoru Yamataya, feeling herself aggrieved by the order and judgment of the above-entitled court made and entered herein on the 9th day of August, A. D. 1901, dismissing said application and remanding her to the custody of the United States immigration and Chinese inspector, comes now by Harold Preston her attorney, and in order that she may obtain relief in the premises and have opportunity to show the errors complained of, prays that an order may be made by the above-entitled court which made said final order and judgment, allowing her an appeal therefrom to the Supreme Court of the United States, for the correction of the errors so complained of, under and according to the laws of the United States in that behalf provided; and also that an order be made fixing the amount of the security which she shall give and furnish upon said appeal, and that upon the giving of said security all further proceedings by this court, and by the immigration officers of the United States, be suspended and stayed, and that she, the said Kaoru Ya-

mataya, be discharged from the custody of the officers of said court and from the custody of the United States immigration and Chinese inspector for said district, until the determination of said appeal by the Supreme Court of the United States;
17 and that a transcript of the record, proceedings and papers in said matter, duly authenticated, may be sent to the said Supreme Court of the United States.

And your petitioner, as in duty bound, will ever pray.

HAROLD PRESTON,
Attorney for Petitioner, Kaoru Yamataya.

Upon the filing and presentation of the foregoing petition it is by the court ordered that the same be and is hereby granted, and the appeal thereby prayed for be and is hereby allowed.

C. H. HANFORD, *Judge.*

Indorsed: Petition for order allowing appeal. Filed in the U. S. district court dist. of Washington Aug. 10 1901 R. M. Hopkins, clerk, H. M. Walthew, deputy.

18 *Assignment of Errors.*

In the Supreme Court of the United States.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus.* No. —.

Comes now the above-named Kaoru Yamataya, appellant herein, by Harold Preston, her attorney, and, in connection with her petition for an appeal herein makes the following assignment of errors, and particularly specifies the following as the errors upon which she will rely and which she will urge upon the prosecution of her said appeal in the above-entitled matter, and which she avers occurred upon the hearing of the said matter, to wit:

I.

That the United States district court in and for the district of Washington, northern division, erred in overruling appellant's motion to quash the return to the writ issued in said matter, which said error was duly excepted to at said time by appellant.

II.

That said court erred in making its order sustaining respondent's demurrer to appellant's traverse of the return to the writ issued in said matter, dismissing appellant's application, and remanding her to the custody of Thomas M. Fisher, immigration and Chinese inspector, which error was duly excepted to at the time by appellant.

Wherefore, the said Kaoru Yamataya, appellant, prays that the said judgment and order of the district court of the United States for the district of Washington, northern division, be reversed, and

that said court be directed to enter an order quashing the return to said writ, and restoring appellant to her liberty.

HAROLD PRESTON,
Attorney for Appellant.

19 Indorsed: Assignment of errors. Filed in the U. S. district court dist. of Washington Aug. 10 1901 R. M. Hopkins, clerk, H. M. Walthew, deputy.

20 *Order Granting Appeal.*

In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus.*

This matter coming on this 10th day of August, 1901, to be heard in the court-room of the above-entitled court in the city of Seattle, Washington, the same being a day of the same term in which the final judgment in the above-entitled matter was rendered, the matter coming up upon the petition of the petitioner herein this day filed, accompanied by the petitioner's assignment of errors filed with said petition, praying for the allowance of an appeal to the Supreme Court of the United States, and praying also that a transcript of the record, proceedings and papers upon which said judgment was rendered, duly authenticated, may be sent to said Supreme Court of the United States; upon consideration whereof the court does allow to said petitioner the appeal prayed for.

It is further ordered that the amount of the cost bond on appeal be and the same is hereby fixed at the sum of two hundred and fifty dollars.

It is further ordered that the amount of the supersedeas bond be and the same is hereby fixed at the sum of one thousand dollars; that upon the giving of said supersedeas bond, and approval thereof, all proceedings in the matter of the deportation of said Kaoru Yamataya be suspended and stayed, and the said Kaoru Yamataya be at once discharged from the custody of the officers of this court and from the custody of the United States immigrant inspector for this district and restored to her liberty pending the determination of said appeal.

Done in open court this 10th day of August, 1901.

C. H. HANFORD, *Judge.*

21 Indorsed: Order allowing appeal, and fixing bond. Filed in the U. S. district court dist. of Washington Aug. 10 1901. R. M. Hopkins, clerk, H. M. Walthew, deputy.

22 *Bond on Appeal.*

In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus*. No. 2086.

Know all men by these presents: that we, Kaoru Yamataya, petitioner above named, as principal, and S. Tanaka and K. Hirade, as sureties, are held and firmly bound unto Thomas M. Fisher, as immigrant and Chinese inspector, the respondent herein, in the full and just sum of two hundred and fifty dollars, to be paid to the said Thomas M. Fisher, as such inspector as aforesaid, and to his successors, for which payment well and truly to be made we do bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 10th day of August, 1901.

The condition of the above obligation is such, that whereas, lately at the present session of the district court of the United States for the district of Washington, northern division, in a matter pending in said court wherein said principal obligor was petitioner and the said obligee was respondent, a final judgment was made and entered dismissing said petitioner's application for a writ of *habeas corpus* and remanding her to the custody of said respondent; and

Whereas, petitioner has obtained from said court an order allowing her appeal from said judgment to the Supreme Court of the United States;

Now therefore, if the said petitioner, the said Kaoru Yamataya, shall prosecute her appeal to effect and shall answer all dam-
23 ages and costs that may be awarded against her if she shall fail to make her plea good, then the above obligation shall be void; otherwise it is to remain in full force and effect.

KAORU YAMATAYA, [SEAL.]
By W. A. KEENE, *Her Attorney.*
S. TANAKA. [SEAL.]
K. HIRADE. [SEAL.]

UNITED STATES OF AMERICA, }
State of Washington, County of King, } *ss:*

S. Tanaka and K. Hirade, each for himself on his oath deposes and says: I am a resident of Seattle, King county, Washington, and one of the sureties on the foregoing bond. I am not an attorney or counsellor at law, or officer of the above-entitled court or of any court. I, S. Tanaka, am worth the sum of ten thousand dollars, and I, K. Hirade, am worth the sum of three thousand dollars, over and above all my debts and liabilities, in property situated within the State of Washington, exclusive of property exempt from execution.

S. TANAKA.
K. HIRADE.

Subscribed and sworn to before me this 10th day of August, 1901.

W. A. KEENE,
Notary Public in and for the State of Washington, Residing at Seattle, in said State.

[NOTARIAL SEAL.]

24 The foregoing bond is hereby approved this 10th day of August, 1901.

C. H. HANFORD, *Judge.*

Indorsed: Bond on appeal. Filed in the U. S. district court dist. of Washington Aug. 10 1901 R. M. Hopkins, clerk, H. M. Walthew, deputy.

25 *Citation.*

In the Supreme Court of the United States.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus.* No. —.

UNITED STATES OF AMERICA, *Ninth Judicial Circuit,* } ss:

The President of the United States to Thomas M. Fisher, immigrant and Chinese inspector, Greeting:

You are hereby cited and admonished to be and appear at the Supreme Court of the United States on the 5th day of October, 1901, pursuant to an appeal filed in the clerk's office of the district court of the United States for the district of Washington, northern division, in the matter of the application of Kaoru Yamataya for a writ of *habeas corpus,* in which said Kaoru Yamataya is appellant and you are respondent, to show cause, if any there be, why the judgment rendered against said appellant, as in said appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, this 10th day of August, A. D. 1901, and of the Independence of the United States the one hundred and twenty-sixth.

[Seal U. S. Dist. Ct.]

C. H. HANFORD,
United States District Judge, Ninth Circuit, District of Washington.

Received copy of the within citation and service of the same admitted this 10th day of August, 1901.

EDWARD E. CUSHMAN,
Assistant U. S. Att'y and Att'y for Respondent.

Indorsed: Citation. Filed in the U. S. district court dist. of Washington Aug. 10 1901 R. M. Hopkins, clerk, H. M. Walthew, deputy.

26 *Clerk's Certificate.*

In the District Court of the United States for the District of Washington, Northern Division.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus*. No. 2086.

UNITED STATES OF AMERICA, } ss:
District of Washington, }

I, R. M. Hopkins, clerk of the district court of the United States for the district of Washington, do hereby certify that the foregoing twenty-five (25) typewritten pages, numbered from 1 to 25 inclusive, are a full, true and correct copy of the record and proceedings had in the above-entitled matter, as the same remains on file and of record in the office of the clerk of the district court of the United States for the district of Washington, at Seattle in the northern division of the district of Washington; and that the foregoing pages constitute the transcript of the record on appeal in the above-entitled matter from the district court of the United States for the district of Washington, northern division, to the Supreme Court of the United States, from the judgment dismissing appellant's application for a writ of *habeas corpus*, and remanding her to the custody of the United States immigrant inspector.

I further certify that I hereto annex and herewith transmit the original citation issued in said matter.

I further certify that no opinion has been filed in said matter.

I further certify that the cost of preparing and certifying the foregoing record on appeal is the sum of $6.55, and that the same has been paid to me by Mr. Harold Preston, attorney for the petitioner and appellant above named.

In witness whereof I have hereunto set my hand and affixed the seal of said district court this 9th day of September, 1901.

[Seal U. S. District Court, District of Washington.]

R. M. HOPKINS,
Clerk U. S. District Court, District of Washington.

27 *Citation.*

In the Supreme Court of the United States.

In the Matter of the Application of KAORU YAMATAYA for a Writ of *Habeas Corpus*. No. —.

UNITED STATES OF AMERICA, } ss:
Ninth Judicial Circuit, }

The President of the United States to Thomas M. Fisher, immigrant and Chinese inspector, Greeting:

You are hereby cited and admonished to be and appear at the Supreme Court of the United States on the 5th day of October, 1901,

pursuant to an appeal filed in the clerk's office of the district court of the United States for the district of Washington, northern division, in the matter of the application of Kaoru Yamataya for a writ of *habeas corpus*, in which said Kaoru Yamataya is appellant and you are respondent, to show cause, if any there be, why the judgment rendered against said appellant, as in said appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, this 10th day of August, A. D. 1901, and of the Independence of the United States the one hundred and twenty-sixth.

[Seal U. S. District Court, District of Washington.]

C. H. HANFORD,
United States District Judge, Ninth Circuit, District of Washington.

28 [Endorsed:] (Original) No. 2086. In the Supreme Court of the United States In the matter of the application of Kaoru Yamataya for a writ of *habeas corpus*. Citation. Filed in the U. S. district court, dist of Washington, Aug 10 1901 R. M. Hopkins, clerk By H. M. Walthew deputy Harold Preston, att'y for appellant, rooms 301 to 308 Pioneer block cor. First Ave. and James St. Seattle, Washington.

Received copy of the within citation and service of the same admitted this 10th day of August, 1901.

EDWARD E. CUSHMAN,
Assistant U. S. Att'y and Att'y for Respondent.

Endorsed on cover: File No. 18,274. Washington D. C. U. S. Term No. 421. Kaoru Yamataya, appellant, *vs.* Thomas M. Fisher, immigrant and Chinese inspector. Filed October 2nd, 1901.